

## REMARKS

In the action of October 30, 2007, the examiner rejected claims 6 and 7 under 35 U.S.C § 112; rejected claims 1 and 2 under 35 U.S.C § 102 (e) as anticipated by Kramer et al.; rejected claims 1, 2, 5-7, 10, 12, 13, 20 and 22 under 35 U.S.C § 102(b) as anticipated by Green; rejected claims 4, 9, 11, 14, 15, 16, 18 and 19 under 35 U.S.C § 103(a) as unpatentable over Green in view of Valiulis; and rejected claims 3, 8, 17, 21 and 23 under 35 U.S.C § 103(a) as unpatentable over Green in view of Hilscher et al.

In response, initially note that claim 6 has been amended to correct the examiner's rejection of claims 6 and 7 under 35 U.S.C § 112. That rejection should hence be withdrawn.

Applicant's invention includes a trial use personal care appliance which is provided to a user to enable the user to experience the benefits of a relatively expensive personal care appliance, such as a power toothbrush, prior to a purchasing decision (see co-pending application serial No. 09/588,807, owned by the assignee of the present invention). At the conclusion of this short-term trial period the user has the opportunity to convert the trial use to a permanent use without any expiration. The appliance is in effect "purchased" by the user at this point. Note that the independent claims have been modified to reflect conversion of the trial use arrangement to permanent use, without expiration, *i.e.* purchased.

With the inclusion of the limitation to a "personal care appliance" in the independent claims, the rejection under 35 U.S.C. § 102 over Kramer, the rejection under 35 U.S.C. § 102 over Green and the rejection under 35 U.S.C. § 103 over Green in view of Valiulis are moot. Applicant traverses the rejection of Green in view of Hilscher.

Green teaches the use of a magnetic card to accomplish rental of an appliance for a selected period of time. The selected period of time is entered on a magnetic card which is read by a control box which operates a relay to connect power to the equipment for the specific time for which the rental has been paid. Note that Green does not teach the concept of a "trial" use of an appliance. The Green device requires payment for any use of the device. Further, there is no concept of converting a "trial" use to a permanent use (a purchase) without expiration. Green is directed toward a device which, as indicated in the title, is for accomplishing a short

term rental of an appliance for a selected time upon periodic payments.

In applicant's invention, the personal care appliance, for instance, a power toothbrush, is first in the possession of a user for a pre-enabled trial period of time. This is a short term period of time. In a typical "trial" use, a potential purchaser is given an article to use to determine potential interest in purchasing the appliance. Following the trial use, the user can convert the status of the appliance to a permanent use by a single payment/authorization for which the user receives permanent use of the appliance without further obligation/authorization, and without any expiration of his/her right to use the appliance, *i.e.* as if the user had initially actually purchased the appliance. There is no teaching of such a structural concept in Green or Hilscher. Hilscher discloses a toothbrush which is not operable unless the brush attachment, which includes an enabling element 38, is positioned on the handle section of the toothbrush. Hilscher's enabling structure is required for all uses, including an initial use. There is no "trial" use concept. Applicant's device structurally permits an initial trial use without an enabling element or authorization.

Hence, the combination of Green and Hilscher does not teach the invention set forth in the independent claims 1, 14, 20 and 21, in which a personal care appliance is structured and pre-enabled for an initial trial use, operational without any action on the part of the user, at the end of which trial period the user has the opportunity to convert the unit to a permanent use without expiration. Accordingly, claims 1, 14, 20 and 21 are patentable over Green in view of Hilscher.

Also note claim 21, which specifies that the on/off switch of the appliance is operable by a user in a particular pattern or sequence to enable a permanent use. Green simply teaches the insertion of a card into a reader. There is no teaching of a user applying a particular sequence or pattern of manipulating the on/off switch of the device in order to achieve the permanent use status for the appliance.

Since claims 2-13, 15-19, 21 and 23 are all dependent from one of the above independent claims, those claims are also allowable. Allowance of the application is now respectfully requested.

The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account 07-1900.

Respectfully submitted,



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